

2447-012

Combined Declaration and Power of Attorney



As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled ELECTRODE ARRAY WITH NON-UNIFORM ELECTRODE SPACING the specification of which

(check one) is attached hereto. was filed on August 8, 2000, as United States Application Serial No. 09/649,293 or PCT International Application No. _____, and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 (a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, or Title 35, United States Code, §371, listed below and have also identified below, by checking the appropriate box, any foreign application for patent or inventor's certificate, or of any PCT application having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

| | | | Priority claimed |
|---------------------------|-------------------------------|-----------------------------------------------|---------------------------------------------------------------------|
| <u>PO2498</u> (Number) | <u>Australia</u> (Country) | <u>27 August 1999</u> Day/month/year filed | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| | | | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

| (Application No.) | (Filing Date) |
|-------------------|---------------|
| | |

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

| (Application No.) | (Filing date) | (Status - patented, pending, abandoned) |
|-------------------|---------------|-----------------------------------------|
| | | |

And I hereby appoint

George Gottlieb (Reg. No. 22,035)
 Michael I. Rackman (Reg. No. 20,639)
 James Reisman (Reg. No. 22,007)
 Barry A. Cooper (Reg. No. 25,204)
 David S. Kashman (Reg. No. 28,725)
 Allen I. Rubenstein (Reg. No. 27,673)

Jeffrey M. Kaden (Reg. No. 31,268)
 Amy B. Goldsmith (Reg. No. 33,700)
 Norbert P. Holler (Reg. No. 17,816)
 Tiberiu Weisz (Reg. No. 29,876)
 Maria A. Savio (Reg. No. 31,565)

whose address is Gottlieb, Rackman & Reisman, P.C., 270 Madison Avenue, New York NY 10016-0601
 (telephone (212) 684-3900), jointly and severally, as my attorneys and/or agents, with full power of substitution
 and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office
 connected therewith.

Direct all correspondence and telephone calls to: Tiberiu WEISZ, Esq. at the address and telephone
 number shown above.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made
 on information and belief are believed to be true; and further that these statements were made with the
 knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both,
 under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize
 the validity of the application or any patent issued thereon.

Full name of sole or first inventor Lawrence T. COHEN

Date 6 Dec, 2000

Inventor's Signature

Residence

Citizenship

Post Office Address

116 Karrina Street, Blackburn North, Victoria 3130, AUSTRALIA

(Australian)

COMMONWEALTH OF AUSTRALIA

Blackburn North, Victoria 3130, AUSTRALIA

Full name of second joint inventor, if any

Date

Inventor's Signature

Residence

Citizenship

Post Office Address

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PTO/SB/11 (12-97)
Approved for use through 9/30/00, OMB 0651-0032
Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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STATEMENT CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) & 1.27(d))--NONPROFIT ORGANIZATIONDocket Number (Optional)
2447-012

Applicant, Patentee, or Identifier: COHEN, Lawrence T.

Application or Patent No.:

Filed or Issued:

Title: ELECTRODE ARRAY WITH NON-UNIFORM ELECTRODE SPACING

I hereby state that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF NONPROFIT ORGANIZATION The University of Melbourne

ADDRESS OF NONPROFIT ORGANIZATION GPO Box 4552, VIC 3015, Australia

TYPE OF NONPROFIT ORGANIZATION:

 UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 U.S.C. 501(a) and 501(c)(3)) NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA
(NAME OF STATE _____)
(CITATION OF STATUTE _____) WOULD QUALIFY AS TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 U.S.C. 501(a) and 501(c)(3))
IF LOCATED IN THE UNITED STATES OF AMERICA WOULD QUALIFY AS NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED
STATES OF AMERICA IF LOCATED IN THE UNITED STATES OF AMERICA
(NAME OF STATE _____)
(CITATION OF STATUTE _____)

I hereby state that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees to the United States Patent and Trademark Office regarding the invention described in:

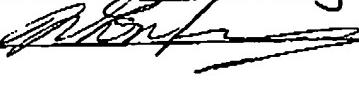
- the specification filed herewith with title as listed above.
 the application identified above.
 the patent identified above.

I hereby state that rights under contract or law have been conveyed to and remain with the nonprofit organization regarding the above identified invention. If the rights held by the nonprofit organization are not exclusive, each individual, concern, or organization having rights in the invention must file separate statements as to their status as small entities and that no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern, or organization having any rights in the invention is listed below:

- no such person, concern, or organization exists.
 each such person, concern, or organization is listed below.

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

NAME OF PERSON SIGNING Professor Frank Larkins
 TITLE IN ORGANIZATION OF PERSON SIGNING Deputy Vice-Chancellor (Research)
 ADDRESS OF PERSON SIGNING University of Melbourne, VIC, 3010
 SIGNATURE 
 DATE 4-12-00

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.